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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,570	08/07/2003	Stephane Cote	36488-188318	8316
26694	7590	01/10/2007		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER LAROSE, COLIN M	
			ART UNIT	PAPER NUMBER
			2624	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/635,570

Applicant(s)

COTE, STEPHANE

Examiner

Colin M. LaRose

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 22-37 is/are allowed.
- 6) ☒ Claim(s) 12-17 is/are rejected.
- 7) ☒ Claim(s) 18-21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,987,520 by Criminisi et al. ("Criminisi").

Regarding claim 12, Criminisi discloses a computer system for removing an object from a raster image, comprising:

a target area definition tool, operative to define a polygonal target area in a raster image, wherein said target area and said raster image comprise a plurality of pixels (811, figure 8 and 900, figure 9: a polygonal area in an image is designated as a destination region using a computerized tool);

a feathering area definition tool, operative to define a target feathering area around said target area (column 1, lines 34-37: regions near the borders of the target area are defined for local feathering operations using a computerized tool);

a template choice tool, operative to replace pixels in said target area with pixels in a template (814, figure 8 and 908, figure 9: a template, or "example tile," is used for replacing pixels in the target area – the template being selected using a computerized tool); and

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means for selecting said template (812, figure 8 and 906, figure 9: an example tile is selected by a matching process).

Regarding claim 13, Criminisi discloses the target area is enclosed in a contour (see e.g. figure 5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,987,520 by Criminisi et al. ("Criminisi").

Regarding claim 14, Criminisi does not expressly disclose that the target area definition tool comprises the means for selecting and adjoining inputted vertices, as claimed. However, at the time the invention was made, this was a conventional means for selecting an image area and was well known to those skilled in the art of image processing. In many commercially available image processing applications, such as Photoshop, tools are provided for allowing a user to select an image area by designating vertices around an area of interest, and then forming a bounding polygon by connecting the vertices. These tools for designating areas of interest would have been an obvious expedient to those skilled in the art at the time the invention was made. Official notice taken.

5. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,987,520 by Criminisi et al. ("Criminisi") in view of U.S. Patent 4,855,934 by Robinson.

Regarding claims 15 and 16, Criminisi does not appear to disclose that the target feathering area has a shape substantially the same as the shape of said target area, or that the feathering area is a polygon having sides parallel to corresponding sides of the target area polygon.

Robinson discloses a system for texturing computer graphics images using a feathering operation. In particular, Robinson shows that for a conventional feathering operation, the feathering area has substantially the same shape as a corresponding target area, as illustrated in figure 6.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Criminisi by Robinson to achieve the claimed invention by utilizing a feathering area with substantially the same shape as the target area (i.e. the sides of the feathering and target areas are parallel) since Criminisi teaches feathering at the borders of the target area, and Robinson shows that conventional feathering operations executed on a target area's border employ a feathering area that is nearly the same as the target area.

Regarding claim 17, Criminisi does not appear to disclose that the target feathering area is larger than the target area.

Robinson discloses a system for texturing computer graphics images using a feathering operation. In particular, Robinson shows that for a conventional feathering operation, the feathering area has substantially the same shape as a corresponding target area, as illustrated in

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figure 6. In addition, the feathering area extends beyond the perimeter of the target area boundary in order to incorporate pixels immediately outside the target area's boundary in a feathering operation.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Criminisi by Robinson to achieve the claimed invention by utilizing a feathering area that is larger than the target area since Criminisi teaches feathering at the borders of the target area, and Robinson shows that conventional feathering operations executed on a target area's border employ a feathering area that is nearly the same as the target area and extends slightly beyond the target area.

Allowable Subject Matter

6. Claims 18-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1-11 and 22-37 are allowed.

Regarding claims 1 and 22, Crimini does not appear to disclose or suggest defining a "resizable" target feathering area or a "moveable" template area, as claimed, in combination with the other claimed limitations. In addition, Crimini does not appear to copy template area pixels in the target area and template feathering pixels to the target feathering area, as claimed. For these reasons, claims 1 and 22 are considered patentable over Crimini.

Regarding claim 33, Crimini does not appear to disclose or suggest providing the user with a template choice tool, in combination with the other claimed limitations. Rather, it appears

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that Crimini's template (i.e. an example tile) is not selected by a user, so no such template choice tool is provided to a user. In addition, Crimini does not disclose displaying the area defined by the template area and template feathering area in the target area and target feathering area, as claimed. For these reasons, claim 33 is considered patentable over Crimini.

Regarding claim 36, Crimini does not appear to disclose or suggest changing the size of the feathering area based on input device movement or repeating steps (c), (d), and (f) each time the input device is moved to a different location in the image, as claimed, in combination with the other claimed limitations. For these reasons, claim 36 is considered patentable over Crimini.

Related Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,185,808 by Cok;

U.S. Patent 6,269,195 by Gonsalves et al.;

U.S. Patent 7,088,870 by Perez et al.; and

U.S. Patent Application Publication 2003/0210828 by Georgiev et al.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (571) 272-7423. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

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Matthew Bella, can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000. Any inquiry of a general nature or relating to the status of this application or proceeding can also be directed to the TC 2600 Customer Service Office whose telephone number is (571) 272-2600.


Colin M. LaRose
Group Art Unit 2624
8 January 2007